

meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

M.P.E.P. § 1893.03(d) (Rev.6, Sept. 2007) at 1800-208; *see also*, 37 C.F.R. § 1.475(a).

The Examiner asserts that the claims of Groups I-IV allegedly do not share a corresponding special technical feature, which is a polypeptide for Group I. *See* Office Action, page 4. Applicants respectfully disagree and assert that the corresponding special technical feature that is common to Groups I-IV is not just "a polypeptide," but rather, the polypeptide variants of NgR1 described in claim 1. This feature is present in all of the pending claims to the extent that each group relates to the polypeptide variants of NgR1 described in claim 1, in that antibodies bind to corresponding polypeptides. Therefore, the polypeptide variants of NgR1 described in claim 1 link the claims as a single general inventive concept under PCT Rule 13.1. As such, the claims in Groups I-IV should be grouped and examined together. Therefore, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

If the Examiner maintains the restriction requirement between Groups I and II and Groups IV and III, respectively, Applicants note that in light of the decisions in *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996), and the Official Gazette Notice 1184 OG 86 (March 26, 1996), the Examiner is required to rejoin claim 29 (Group IV) if the claims of Group I are found to be allowable. Specifically, the OG Notice states that

in the case of an elected product claim, *rejoinder will be permitted when a product claim is found allowable* and the withdrawn process claim depends from or otherwise includes all the limitations of an allowed product claim.

1184 OG 86 (March 26, 1996) (emphasis added). Accordingly, if the claims of elected Group I are found to be allowable, Applicants respectfully request that the claim of Group IV be rejoined and examined for patentability for the reasons discussed above.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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